THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21935 of_2006

Dated:13.10.2006

Between
P.Sitharamalakshmi

.....Petitioner

and

1.The Deputy Registrar of Cooperative Societies, Vijayawada-2 and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.(SR) No.109639 of 2006

ORDER:

The only grievance of the petitioner is that while entertaining the appeal, the Cooperative Tribunal vide docket order dated 5.10.2006 granted interim stay on condition of the petitioner depositing 50% of the amount indicated in the award dated 31.1.2006, which is arbitrary and illegal.

According to the learned counsel for the petitioner that the petitioner was not given an opportunity though he appeared along with advocate and sought for time and the award was passed without hearing her. Therefore, she has fair chances to succeed in the appeal. Further, the condition imposed i.e., to deposit 50% of the amount indicated in the impugned order is onerous. She is a senior citizen and she has no means of earning except the house, which is under

mortgage with the society.

In the facts and circumstances of the case, I deem it appropriate to modify the order passed in MA No.30 of 2006 in O.A.No.72 of 2006 dated 5.10.2006, as under:

"There shall be interim stay of all further proceedings in pursuance to the award dated 31.1.2006 pending appeal, subject to condition that the petitioner deposits 25% of the amount indicated in the award, within a period of four weeks from the date of receipt of a copy of this order. In default, the interim stay granted shall be treated to have been vacated automatically."

With the above modification, the writ petition is disposed of. No costs.

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13-10-2006

rkk